



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 7977-98
30 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you completed a Standard Form 93, Report of Medical History on 18 October 1994, and denied having a history of arthritis. You entered on active duty in the Navy on 24 January 1995. You sought medical care on 30 January 1995 for knee pain, and disclosed a three year history of arthritis in both knees. You were noted to have pain in both knees as well as some limitation of motion at that time. You were discharged from the Navy with your consent on 7 February 1995, with an entry level separation, for failing to meet the minimum physical standards for enlistment. You completed 14 days of service, and were assigned a reenlistment code of RE-4.

The Board noted that you were discharged in large part based on representations made by you concerning your medical history. It concluded you were fortunate not to have been discharged by reason of fraudulent enlistment based on your initial concealment of your disqualifying medical history. The fact that you do not have any complaints referable to your knees at this time does not provide a basis for changing your reenlistment code, which was properly assigned. Accordingly, your application has been denied. The names and

votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director